REMARKS

Claims 1-14 and 30-43 presently appear in this case. No claims have yet been examined on the merits. The present communication is responsive to the Official action of May 28, 2008, as supplemented by the Official action of June 25, 2008. Reconsideration and withdrawal of the restriction requirement and examination of all of the claims now present in the case are hereby respectfully urged.

The examiner has required applicant, in accordance with 37 CFR 1.499, to elect a single invention to which the claims must be restricted from among:

Group I, including claims 1-14, drawn to an eye-drop vaccine; and

Group II, including claims 30-43, drawn to a method of therapeutic immunization.

The examiner states that these two groups of invention are not so linked as to form a singe general inventive concept under PCT Rule 13.1. This requirement is respectfully traversed.

First, in order to be responsive, applicant hereby elects Group I, including claims 1-14.

The requirement is traversed on two grounds. First, it is not understood how the examiner can state that the two alleged inventions do not share a special technical feature. The examiner does not explain this statement. Clearly,

however, the eye-drop vaccine of invention I is used in the method of invention II for treating neuronal degeneration in the CNS. The common special technical feature is the eye-drop vaccine.

Secondly, the examiner has no authority to require restriction between a product and a process of use of said product. The examiner states that the unity of invention requirement is made under 37 CFR 1.499. This regulation specifically refers to lack of unity under 37 CFR 1.475. 37 CFR 1.475(b)(2) states:

> (b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:
>
> …
>
> (2) A product and process of use of said product …

The present application has claims only drawn to a product (the eye-drop vaccine) and a process of use of the product. While there are three independent claims drawn to the method of use of the product, the examiner considers them all to be drawn to the same method of use invention (Group II, claims 30-43). Accordingly, the applicable regulations preclude the present election requirement. For both of these reasons, reconsideration and withdrawal of the requirement and

examination of both groups of invention are respectfully urged.

In the official action of May 28, 2008, the examiner required election from among the 32 sequences of Table 1 on page 12 of the specification. However, the official action of June 25, 2008, made of record the telephonic interview of June 13, 2008, in which Supervisory Patent Examiner Stucker agreed that the portion directed to the requirement for specific sequences at the top of page 3 of the action of May 28, 2008, would be withdrawn in light of the arguments of the undersigned, made in the telephone conference, that there are no specific sequences claimed.

Accordingly, as none of the claims contain any of the sequences that the examiner had desired to be elected and as this part of the restriction requirement has been withdrawn, it is not necessary for applicant to make an election of a specific sequence from among groups A-AF in order to be responsive to this restriction requirement

The examiner has made a number of species election requirments. With respect to each of these species elections, however, the examiner states that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species that are written in dependent form or otherwise include all of the limitations of an allowed

generic claim as provided by 37 CFR 1.141. Accordingly, with respect to the species elections, applicant hereby elects without traverse as follows:

As to A) Active agent of the vaccine, applicant elects a), Copolymer 1.

As to B) Causes of neuronal degeneration, applicant elects b), disease, disorder or condition.

As to C) Action of eye-drop vaccine, applicant elects a), preventing or inhibiting neuronal secondary degeneration.

As to D) Nervous system, applicant elects a), central nervous system (CNS).

As to E) Injury, no election is necessary as applicant did not elect "injury" in species election B).

As to F) Disorder or condition, applicant hereby elects glaucoma.

While species election A) applies to the elected eye-drop vaccine claims, the species elections B)-F) are not applicable to the elected eye-drop vaccine claims as the intended use of the vaccine is not a limitation for the purpose of searching composition claims. Accordingly, all of claims 1-10 and 12-14 encompass the elected invention and species. Claims 11 and 30-43 have been presently withdrawn form consideration until such time that the examiner

reconsiders and withdraws the restriction requirement for the reasons requested above and finds the elected species of active agent to be allowable.

Accordingly, reconsideration and withdrawal of the restriction requirement and prompt consideration on the merits and allowance of all the claims now present in the case are earnestly solicited.

Respectfully submitted,

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